

REMARKS

Continued examination is respectfully requested in view of the claim amendments and the following remarks.

Disposition of Claims

The claims currently pending in the application are claims 26, 27, 31, and 49-82.

Objections

The Examiner has objected to Applicants' Amendment B pursuant to MPEP 714.02 and CFR 1.111(b) for failing to identify how newly added independent claims 54 and 73 are patentable over applied references U.S. Patent 5,953,07 to Nemirofsky ("Nemirofsky") and U.S. Patent 4,503,288 to Kessler ("Kessler").

Summary of Prior Art Rejections

In an Office Action dated August 22, 2005, the Examiner rejected claims 21, 26, 27, 31, 32, 40 and 42 as being unpatentable under 35 U.S.C. 102(b) over Nemirofsky, while claim 22 was rejected as being obvious under 35 U.S.C. 103(a) over Nemirofsky in view of Kessler. Finally, claims 41 and 43 were rejected as being obvious under 35 U.S.C. 103(a) over Nemirofsky. The Applicants have provided remarks for overcoming the aforementioned prior art rejections in their response filed on October 27, 2005.

Independent Claims 54 and 73 are Patentable Over Nemirofsky in view of Kessler

The Nemirofsky reference discloses a method of receiving an offer or value on a TV Card during a television commercial that is subsequently read by a retail check-out scanner when the

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consumer purchases an identified item relating to the offer or value. See Col 5 lines 40-50, Col 6 lines 57-59, Col 7 lines 20-24 and Col 14 lines 62-65.

The Kessler reference discloses a microprocessor based telephone-like device that includes the functions of an ordinary telephone, a data terminal and additional functions to provide a voice and data communications and control device. See Col 1 lines 59-62.

In contrast, Applicants' previously introduced independent claim 54 relates to a method of engaging a user during an event with the event being a non-advertisement video program, by encoding information regarding the event as auxiliary data in a video signal, wherein the auxiliary data being nonaudible data. Claim 54 further recites broadcasting the video signal containing the auxiliary data during the event, receiving the auxiliary data on a hand-held device with the hand-held device comprising a receiver, decoding the auxiliary data on the hand-held device, and presenting the user with the information regarding the event on the hand-held device. Neither the Nemirofsky reference nor the Kessler teach or suggest a method for engaging a user during an event with the event being a non-advertisement video program by encoding information regarding the event as auxiliary data in a video signal, and presenting the user with the information regarding the event on the hand-held device. See page 13 lines 18-20 and page 19 line 27 - page 22 line 7.

The Nemirofsky reference further discloses a method for redeeming the TV Card by displaying bar codes when a customer presses the scan button on the keypad 82A. The card is then

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waved over a scanner for each individual bar code being read and the procedure is followed for each benefit or value to be redeemed. Credit for the values is given to the customer automatically via the point of sale terminal after a check to see that the proper items have been purchased is complete. See Col 11 lines 44-51.

In contrast, Applicants' previously introduced independent claim 73 relates to a method for providing a promotional opportunity to a user of a hand held device by encoding a video signal with an electronic coupon. Neither the Nemirofsky nor the Kessler reference teach nor suggest a method for providing a promotional opportunity to a user of a hand held device by encoding a video signal with an electronic coupon, where the electronic coupon includes coupon data, additional text describing the coupon, and a numeric code to be entered at a point of sale (POS). See page 9 lines 16-21, page 28 lines 24-26 and page 29 line 22 - page 30 line 24. The Nemirofsky reference alone or in combination with the Kessler reference do not teach the limitation of detecting the scanning laser light on the hand-held device with the laser detection hardware, obtaining another code from the hand-held device at the POS as a result of detecting the scanning laser light on the hand-held device with the laser detection hardware, the another code representing the serial number of the hand-held device, entering at least the another code into the POS system, and applying the electronic coupon to an order by the user of the hand-held device. See page 9 lines 5-24 and page 28 lines 7 - page 30 line 31.

Based on the foregoing, the Nemirofsky reference does not anticipate nor render obvious by itself or in combination with

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the Kessler reference independent claims 54 and 73. Accordingly, the Examiner is respectfully requested to indicate the allowance of independent claims 54 and 73 as well as dependent claims 55-72 and 74-82 based on their respective dependencies to independent claims 54 and 73.

Conclusion


Applicants believe that the foregoing satisfies the Examiner's objection pursuant to MPEP 714.02 and CFR 1.111(b). Should the Examiner have any questions regarding the foregoing, he is respectfully requested to call the undersigned attorney.

Applicants have thereby submitted claims that specifically recite elements neither shown nor suggested in the prior art and to make clear the manner in which those elements cooperate to provide the unique advantages of the present invention. Based on the foregoing, allowance of claims 26, 27, 31, and 49-82 is solicited.

Should the Examiner have any questions, comments or suggestions which would place the application in a condition for allowance, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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